IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 13528 of 2005(I)

PETITIONER:

DR.BINDU PRIYA K., W/O. SUDEESH,
RESIDING AT KIZHAKKEDATHU, AROOR P.O.,ALAPPUZHA.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS:
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1. THE PRINCIPAL SECRETARY,
SCHEDULED CASTE/SCHEDULED TRIBE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE COMMISSIONER FOR ENTRANCE
EXAMINATION, THIRUVANANTHAPURAM.

3. THE DIRECTOR OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT.SMITHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE FIRST PAGE OF SSLC BOOK.

P2: TRUE COPY OF THE REPRESENTATION DT.19.4.2005 SUBMITTED BY THE PETITIONER TO R2.

P3: TRUE COPY OF COMMUNITY CERTIFICATE ISSUED BY TAHSILDAR, CHERTHALA.

RESPONDENT'S EXHIBITS:

R1(a): ANTHROPOLOGICAL REPORT DT.8.4.05.

R1(b): G.O.(MS)11/2005/SCSTDD DT.22.3.05.

R1(c): ORDER DT.18.5.05.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.13528 of 2005

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Dated this the 19th day of February, 2007.

JUDGMENT

The petitioner claimed admission under reserved quota through her mother's cast and community. Special Government Pleader pointed out that petitioner's father being a member of the Dheevara community is not entitled to Scheduled Tribe benefit and therefore, petitioner cannot claim any benefit through her mother who is said to be a Scheduled Tribe. The Supreme Court has held in the decision in SOBHA HYMAVATHI DEVI V. SETTI GANGADHARA SWAMI & OTHERS (2005) 2 SCC 244 that community benefit has to be claimed through father and since petitioner's father is not a Scheduled Tribe, petitioner is found to be rightly ineligible. In the circumstances, W.P. fails and is dismissed.

C.N.RAMACHANDRAN NAIR
Judge

pms